

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2015-094194

10/08/2015

HONORABLE STEPHEN M. HOPKINS

CLERK OF THE COURT
J. Erickson
Deputy

IN RE THE MARRIAGE OF
KRISTA LYNN DOOLEY

TERRY BAYS SMITH

AND

ADAM GLEN BUTCHER

C COLE BASTIAN

TRIAL VACATED AND RESET

The Court having received and consolidated Petitioner's *Motion to Continue Trial/Evidentiary Hearing Set for November 18, 2015 at 9:00 a.m.* filed October 2, 2015 and Respondent's *Objection to Motion to Continue Trial/Evidentiary Hearing Set for November 18, 2015 at 9:00 a.m.* filed October 5, 2015,

IT IS ORDERED granting Petitioner's Motion and vacating the previously set **Trial to the Court** regarding Petitioner's *Petition for Dissolution of Non-Covenant Marriage (With Minor Child)* filed June 24, 2015 and Respondent's *Response to Petition for Dissolution of Non-Covenant Marriage (With Minor Child)* filed July 8, 2015, on November 18, 2015 at 9:00 a.m. and resetting the same to **January 20, 2016 at 9:00 a.m. (time allotted: 3 hours)** before the Honorable Stephen Hopkins at:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 405
Mesa, AZ 85210

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2015-094194

10/08/2015

The Court will reserve ten minutes from each hour of trial for preliminary matters, procedural issues, and for breaks.

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of trial must be brought to this division **no later than January 13, 2016, with a coversheet listing the description of the exhibits. The exhibits shall be separated by a COLORED sheet of paper.** Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, each party may, but is not required to, provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy". Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.

IT IS FURTHER ORDERED that the failure of either party to appear at the time of trial, or to timely present the joint or individual Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that if either party files a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, each party shall submit proposed findings of fact and conclusions of law to this division by no later than **January 13, 2016.**

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. The parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents, and exhibits on or before **December 21, 2015.**
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **December 21, 2015.**
3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or healthcare provider, or employer possessing any relevant information.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2015-094194

10/08/2015

IT IS FURTHER ORDERED that counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a joint or individual Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. Thereafter, the Pre-Trial Statement(s) shall be filed and a copy delivered to this division by no later than **January 13, 2015**. Further, pursuant to Rule 76(C) (2), each party shall file with the Pre-Trial Statement(s) the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt."
- c) A proposed parenting plan.
- d) A proposed parent's worksheet for child support.

IT IS FURTHER ORDERED that the parties shall indicate in the Pre-Trial Statement(s) those exhibits they have agreed will be admissible at trial, as well as any specific objections that will be made to any exhibit, if offered at trial, that is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

CRITICAL NOTE TO PARTIES: If there is any issue about which you want the Court to make a ruling, and you fail to identify it in your Pretrial Statement, or if you fail to submit a Pretrial Statement altogether, unless you have a very compelling excuse for that failure, you may be deemed to have waived that issue. In short, **the submission of a comprehensive Pretrial Statement is a requirement** and not a suggestion.

Counsel and the parties are reminded of their obligation to give prompt notice to the Court of any settlement as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements, and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision making authority, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before trial. If you make a written request before trial, the Court will make conclusions of fact and law as part of the final decision.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2015-094194

10/08/2015

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pre-Trial Statement.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

NOTICE: A child should not be brought to the courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of court personnel do not permit them to perform this function.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.